

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROYAL YATES,)
Plaintiff(s),) No. C05-1510 BZ
v.)
GUNNALLEN FINANCIAL and CURT)
WILLIAMS,)
Defendant(s).)
_____)

The court has under submission plaintiff's motion for a mistrial on the grounds that certain financial data should have been supplied plaintiff earlier than it was. At first blush, this seems to be a discovery dispute which should have been resolved prior to trial, and not grounds for a mistrial. Nonetheless, there was little argument at the time the motion was made. Nor is it clear to the court that, given the jury's verdict, plaintiff wishes to pursue his mistrial motion. **IT IS THEREFORE ORDERED** as follows:

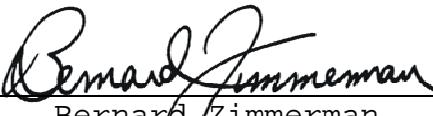
1. By **January 10, 2007**, plaintiff should either withdraw the motion in writing or file a brief in support of his motion of no more than five (5) pages, including authority for making

1 such a mistrial motion.

2 2. If a brief is filed, an opposition of no more than
3 five (5) pages shall be filed by **January 16, 2007**. In that
4 event, plaintiff may file a reply of up to three (3) pages by
January 19, 2007.

6 3. If the court concludes that argument is necessary the
7 motion shall be heard on **January 24, 2007 at 10:00 a.m.** in
8 Courtroom G, 15th Floor, Federal Building, 450 Golden Gate
9 Avenue, San Francisco, California 94102.

10 Dated: January 5, 2007



Bernard Zimmerman
United States Magistrate Judge

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